

YOST, SCHAFERSMAN, LAMME, HILLIS, Item # 29
MITCHELL & SCHULZ, P.C. Date 2-2-05

A Limited Liability Organization
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January 28, 2005

RECEIVED
05 JAN 28 PM 4:07
DODGE COUNTY CLERK
FRED H. YOST, COUNTY CLERK

TO: DODGE COUNTY BOARD OF SUPERVISORS

Re: Request for Roadway Improvements – Steven L. Hull and David L. Hull

Gentlemen:

Our firm represents the interests of Steven L. Hull, Marsha R. Hull and David L. Hull in connection with a 29.68 acre parcel of real estate they purchased on June 28, 2004 through HullCo, LLC, that has since deeded the property to the Hulls individually.

The subject tract is identified as Parcel No. 3 on the survey attached to this memo, and is located immediately east of the Gerhold Concrete property or North US 77 and north of what is now known as the Union Pacific Railroad Right of Way, all on the immediate northern edge of the City of Fremont. I've also attached a color-coded photocopy of a cadastral map, which shows that the subject tract is landlocked by property owned by, as noted, Gerhold Concrete on the west, Biozyme, Inc., Frontier Cooperative on the north, and Frontier Cooperative on the east.

On or about June 13, 1967, the Chicago, Burlington & Quincy Railroad granted Dodge County a permanent easement for the construction and maintenance of a county road on the east 33' of the West ½ of the NE ¼ of Section 11, Township 17 North, Range 8 East of the 6th P.M. and James H. Fowler conveyed a similar 33' right of way on the West 33' of the E ½ of the NE ¼ of Section 11, Township 17 North, Range 8 East of the 6th P.M. The 66' right of way runs from the southeast corner of the Hull property all the way north to the county road and is highlighted in green on the attached survey. Following the dedication, on June 14, 1967, the Dodge County Supervisors passed a resolution dedicating the above-referenced property to public use as a public road as per the attached Supervisor's Record no. 28. A view of the property will reveal that some of the roadway has been constructed from the county road running directly south, although an informal meeting with Larry Kment recently revealed that the road was most likely constructed by a private party. The remaining extension of the dedicated roadway from the point in which the existing roadway terminates to the northeast corner of the Hull property is approximately 420 feet that has not been improved and presently consists of a limited amount of debris and irregular terrain, which makes it unusable for any type of vehicular traffic.

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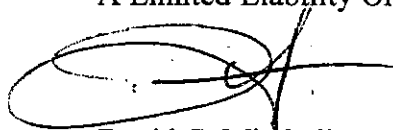
The subject tract was purchased by the Hulls for commercial purposes in order to provide one additional location for business prospects to consider when locating to Fremont or relocating within Fremont due to the current shortage of buildable commercial lots. Before the property can be developed for speculative purposes or at least improved to a point where it could be considered as a prospective building site, it must be accessible. In this regard, the Hulls are respectfully requesting the County to grade and fortify the remaining roadway area extending from the current improved right of way termination point to a point approximately 420 feet south to the northeast corner of the usable portion of the Hulls' property to enable the property to be further developed.

In making this request, the Hulls are mindful that developers are usually required to finance roadway infrastructure in connection with residential and/or commercial subdivisions; however, we are not aware of any subdivision that did not at least have gravel access from a city or county road in order to allow the additional improvements to be made. In this case, the Hulls acknowledge that they will be responsible for the development of all roadway and commercial infrastructure that will be necessitated by any future commercial development; however, in doing so, they are requesting the County to at least provide them with access to their property to place them on the same footing as other similarly-situated commercial developers.

Thank you for your consideration, and if there is any additional information I can provide prior to the Wednesday meeting, please do not hesitate to contact me.

Yours Truly,

YOST, SCHAFERSMAN, LAMME, HILLIS,
MITCHELL & SCHULZ, P.C.
A Limited Liability Organization

A handwritten signature in black ink, appearing to read 'David C. Mitchell', with a large, stylized loop at the end.

David C. Mitchell

DCM:cja

Encl.

NE COR. NW1/4
SEC. 11-T17N-R8E

N89°59'47"E
1331.87'(M)

NE COR.
SEC. 11-

736.24'(M)

89.93'(M)

595.62'(M)

70.00'(M)

N80°59'49"W

595.35'(M)

33.00'(M)

PARCEL NO. 4
4.34 ACRES

N00°11'59"W
473.05'(M)
473'(R)

SEE DETAIL "A"

594.13'(M)

N89°59'48"E

85.05'(M)

560.86'(M)

32.92'(M)

N89°59'31"E

593.78'(M)

1-1/4" PIPE

N00°01'51"E

335.28'(M)

SEE DETAIL "B"

N89°59'39"E

1328.43'(M)

33.00'(M)

N00°13'18"W
773.50'(M)
773.50'(R)

558.57'(M)

3/4" REBAR

PARCEL NO. 3
29.68 ACRES

S63°55'02"W
30.49'(M)

N00°12'24"W
508.19'(M)
508.08'(D)

1436.21'(M)
1436.27'(R)
584°28'15"W

CHICAGO & NORTHWESTERN RAILWAY

CORN

NE CX
FOUNI
NNW

SW

SSW

S

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NE CX
FOUNI
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ON TI

SUPERVISOR'S RECORD No. 28

DODGE COUNTY, NEBRASKA

JUNE 5, 1967 CONTINUED

#735 CONTINUED

Motion was made by Mr. Racek, seconded by Mr. L. Marquardt and carried by all members present that low bidder, Veskerna Excavating be awarded the contract. Roll call vote showed the following members voting in favor: Amos Gramlich, Joe Donohoe, Chester Marquardt, Lewis Racek and LaVerne Marquardt. Opposed: None, Mr. Hintz and Mr. Johnson being absent and not voting.

#736 PURCHASE: NEW D-7 TRACTOR FROM MISSOURI VALLEY MACHINERY CO. INC. - HALF OF COST CHARGED TO ROAD FUND AND HALF TO RURAL MAIL ROUTE FUND - \$17,889.00 EACH

Motion was made by Mr. C. Marquardt, seconded by Mr. Racek and carried by all members present that Cost of D-7 Tractor be divided equally between Road Fund and Rural Mail Route Fund.

#737 LEASE AGREEMENT WITH MISSOURI VALLEY MACHINERY CO. SIGNED FOR CATERPILLAR TRACTOR #619-FILED - OPTION TO BUY

Motion was made by Mr. Racek, seconded by Mr. Donohoe and carried by all members present that same be placed on file. (Filed with contracts in Vault Box)

#738 WORK ORDER #10 - BRIDGE #1 - ELKHORN TOWNSHIP WEST SEC. 6-17-9 - BUILT TO 24' x 28' R. W.

Motion was made by Mr. C. Marquardt, seconded by Mr. Donohoe and carried by all members present that this work order be approved and Mr. Meyer proceed with work.

#739 PURCHASE: STEEL PILING, REBARS, ETC. FOR CEMENT DECK NEEDED FOR WORK ORDER #10.

Motion was made by Mr. Racek, seconded by Mr. C. Marquardt and carried by all members present that purchase of necessary steel be authorized.

#740 PURCHASE: STEEL NECESSARY FOR WORK ORDER #9 WEST SEC 4, TWP 17, R 9 FOR BRIDGE TO BE BUILT

Motion was made by Mr. Marquardt, seconded by Mr. Racek and carried by all members present that purchase be authorized.

#741 ADJOURNMENT

Motion was made by Mr. Donohoe, seconded by Mr. Racek and carried by all members present that meeting adjourn to June 14th, 1967 at 9:00 O'Clock A.M.

ATTEST:

APPROVED

DATED

Amos K. Gramlich
CHAIRMAN OF THE BOARD OF SUPERVISORS

JUNE 14, 1967

#742 DODGE COUNTY BOARD OF SUPERVISORS MEETING OF JUNE 14, 1967

Meeting of the Dodge County Board of Supervisors was called to order by Chairman Gramlich at 9:00 o'clock A.M.. Roll call showed the following members present: F.L. Hintz Sr., Amos Gramlich, Joe Donohoe, Chester C. Marquardt, Lewis Racek and LaVerne Marquardt. Absent: E. T. Johnson

#743 Minutes FOR MEETING OF JUNE 5th, 1967 READ

Motion was made by Mr. Racek, seconded by L. Marquardt and carried by all members present that minutes stand approved as read.

#744 RESOLUTION-DEDICATION OF ROAD AND ENTERING OF ROAD ESTABLISHED ON COUNTY ROAD PLAT, - JAMES FOWLER AND EB&Q RAILROAD CO.

RESOLUTION

WHEREAS the Chicago, Burlington and Quincy Railroad Co. and James H. Fowler have dedicated to public use a public road on the premises described in the dedication and submitted a plat therewith as is required by law.

AND WHEREAS the Railroad Company has agreed to install appropriate culvert and a substantial portion of the proposed road;

NOW, THEREFORE, BE IT RESOLVED THAT the dedication of said road be accepted and said road be established and entered on the County road plat as is required by law.

Motion was made by Mr. Hintz, seconded by Mr. Racek and carried by all members present that resolution be adopted. Roll call vote showed the following members voting in favor: F. L. Hintz, Amos Gramlich, Joe Donohoe, Chester C. Marquardt, Lewis Racek and LaVerne Marquardt. E. T. Johnson being absent and not voting. See attached copies for description. *Plat attached to record.*